



Reprinted
March 23, 2007

ENGROSSED SENATE BILL No. 371

DIGEST OF SB 371 (Updated March 22, 2007 4:46 pm - DI 44)

Citations Affected: IC 8-9; IC 16-18; IC 16-19; noncode.

Synopsis: Mobile camps for railroad employees. Requires a railroad company to provide drinking water at assembly points where at least two maintenance of way employees meet (current law applies to assembly points where at least six employees meet). Requires the executive board of the state department of health to adopt rules to protect the health, safety, and welfare of persons living in mobile camps. Specifies certain provisions that must be included in the rules. Makes conforming amendments.

Effective: Upon passage; July 1, 2007.

**Simpson, Landske, Drozda,
Becker, Breaux, Steele**

(HOUSE SPONSORS — TYLER, CHENEY, GOODIN)

January 16, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

February 22, 2007, reported favorably — Do Pass.

February 26, 2007, read second time, ordered engrossed. Engrossed.

February 27, 2007, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Labor and Employment.

March 15, 2007, reported — Do Pass.

March 22, 2007, read second time, amended, ordered engrossed.

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ES 371—LS 7374/DI 96+



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March 23, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 371

A BILL FOR AN ACT to amend the Indiana Code concerning
utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-9-10-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a) As used in this section,**
3 **"mobile camp" means a temporary location where at least two (2)**
4 **railroad maintenance of way employees are housed.**

5 **(b)** Every railroad company within the state of Indiana shall provide
6 and adequately maintain a heated room or rooms at all terminals, ~~and~~
7 headquarters, **and mobile camps** in the operation of ~~said the~~ railroad
8 company, for the use of its employees. ~~containing~~

9 **(c) Each room required by subsection (b) must contain** adequate
10 wash basins, shower-baths, inside toilets, and sufficient lockers for
11 checking employees' clothing. ~~In addition to the foregoing,~~

12 **(d)** Every railroad shall maintain at all permanent assembly points
13 **and mobile camps** a supply of drinking water dispensed in a sanitary
14 manner. A permanent assembly point under this chapter is a location
15 where a minimum of ~~six (6)~~ **two (2)** maintenance of way employees
16 meet for ~~a period of~~ not less than six (6) months of each year.

17 **(e) A railroad company that houses maintenance of way**

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employees in a mobile camp shall provide and adequately maintain for the employees' use outfit cars, camp cars, or trailers in compliance with the rules adopted under IC 16-19-3-4.4.

(f) A railroad company that houses maintenance of way employees in a mobile camp shall:

(1) not later than two (2) business days after employees arrive at that location, notify the local health department with jurisdiction in the area in which the mobile camp is located of the existence of the mobile camp; and

(2) request and permit inspection by an authorized representative of the local health department to ensure the conditions of the outfit cars, camp cars, or trailers are sanitary and healthful for the:

(A) maintenance of way employees; and

(B) local community.

(g) A railroad company shall locate and maintain a mobile camp described in subsection (e) in a safe and healthy environment.

SECTION 2. IC 8-9-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Whenever the Indiana department of transportation secures reliable information, receives a complaint, or, because of reports made by the department's inspectors, has reason to believe that a railroad company in this state does not provide and adequately maintain the sanitary facilities provided for in **section 1(b) through 1(e)** of this chapter, the department shall make an investigation as necessary. The department shall conduct a hearing at which both the railroad company and the employees affected will be given a full opportunity to present evidence as to the necessity and reasonableness of the proposed changes or improvements.

(b) When the investigation required under subsection (a) is made, the Indiana department of transportation shall report to the manager or superintendent of the railroad company. In the report and recommendations, the department shall make an accurate statement of the time the examination was made, of the exact location, character, and extent of defects or omissions, if any have been found, and shall recommend reasonable changes and improvements, additions, buildings, and accommodations, as are, in the opinion of the department, necessary to remedy the faults, neglect, requirements, or defects. The recommendations must set out specifically a reasonable time within which such improvements or changes or additions shall be made by the railroad company.

(c) If the recommendations under subsection (b) are not carried out within the time specified, then the Indiana department of transportation

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may commence proceedings by mandamus or other remedy in a circuit or superior court having jurisdiction to enforce compliance with its order. All courts having jurisdiction in these cases shall give preference to the cases and shall hear and determine the case speedily to the end that the employees' interests and the public interests may not suffer.

SECTION 3. IC 8-9-10-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. In addition to this chapter, the railroad company is subject to a rule adopted under IC 16-19-3-4.4.**

SECTION 4. IC 16-18-2-237.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 237.5. "Mobile camp", for purposes of IC 16-19-3, has the meaning set forth in IC 16-19-3-0.5.**

SECTION 5. IC 16-19-3-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. As used in this chapter, "mobile camp" has the meaning set forth in IC 8-9-10-1(a).**

SECTION 6. IC 16-19-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a)** The executive board may, by an affirmative vote of a majority of its members, adopt reasonable rules on behalf of the state department to protect or to improve the public health in Indiana.

(b) The rules may concern but are not limited to the following:

- (1) Nuisances dangerous to public health.
- (2) The pollution of any water supply other than where jurisdiction is in the water pollution control board and department of environmental management.
- (3) The disposition of excremental and sewage matter.
- (4) The control of fly and mosquito breeding places.
- (5) The detection, reporting, prevention, and control of diseases that affect public health.
- (6) The care of maternity and infant cases and the conduct of maternity homes.
- (7) The production, distribution, and sale of human food.
- (8) **Except as provided in section 4.4 of this chapter**, the conduct of camps.
- (9) Standards of cleanliness of eating facilities for the public.
- (10) Standards of cleanliness of sanitary facilities offered for public use.
- (11) The handling, disposal, disinterment, and reburial of dead human bodies.
- (12) Vital statistics.

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(13) Sanitary conditions and facilities in public buildings and grounds, including plumbing, drainage, sewage disposal, water supply, lighting, heating, and ventilation, other than where jurisdiction is vested by law in the fire prevention and building safety commission or other state agency.

(14) The design, construction, and operation of swimming and wading pools. However, the rules governing swimming and wading pools do not apply to a pool maintained by an individual for the sole use of the individual's household and house guests.

SECTION 7. IC 16-19-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.4. (a) The executive board shall adopt reasonable rules under IC 4-22-2 necessary to protect the health, safety, and welfare of persons living in mobile camps, including provisions relating to sanitary conditions, light, air, safety protection from fire hazards, equipment, maintenance, and operation of the camp, sewage disposal through septic tank absorption fields, and other matters appropriate for the security of the life and health of occupants.**

(b) The rules adopted under subsection (a) shall be enforced by local health officers under IC 16-20-1-19 and IC 16-22-8-34(a)(22).

(c) The rules must include the following:

(1) A requirement for an inspection fee necessary to cover all the expenses incurred in the process of conducting inspections of a mobile camp, to be paid by the railroad company operating the mobile camp.

(2) A provision that the inspection fee shall be paid to the:

(A) local health department under IC 16-20-1-2; or

(B) municipal corporation created under IC 16-22-8-6; before initiation of the inspection. The fee shall be deposited in the general fund of the local health department or the municipal corporation.

(3) A requirement that the railroad company, after the departure of the mobile camp, restore the property upon which the mobile camp existed to its condition before the arrival of the mobile camp.

(4) A provision that the officials of the local health department or the municipal corporation referenced in subdivision (2) may conduct either:

(A) independent inspections of the mobile camp without the presence of the railroad company or a union representative; or

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1 **(B) joint inspections of the mobile camp with the presence**
2 **of the railroad company and a union representative of each**
3 **craft of employees working for the railroad company.**

4 SECTION 8. [EFFECTIVE UPON PASSAGE] (a)
5 **Notwithstanding IC 16-19-3-4.4, as added by this act, the state**
6 **department of health shall carry out the duties imposed upon it**
7 **under IC 16-19-3-4.4, as added by this act, under interim written**
8 **guidelines approved by the state health commissioner.**

9 **(b) This SECTION expires on the earlier of the following:**

10 **(1) The date rules are adopted under IC 16-19-3-4.4, as added**
11 **by this act.**

12 **(2) December 31, 2008.**

13 **SECTION 9. An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Drozda be added as third author of Senate Bill 371.

SIMPSON

 COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 371, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 371 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 9, Nays 0.

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Senate Bill 371, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CHENEY, Chair

Committee Vote: yeas 8, nays 4.

 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 371 be amended to read as follows:

Page 1, line 6, after "terminals" insert ",".

Page 1, line 6, after "terminals" strike "and".

Page 1, line 7, after "headquarters" insert ", **and mobile camps**".

Page 1, line 12, after "points" insert "**and mobile camps**".

Page 2, line 2, delete "with the" and insert "**in compliance with the**".

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rules adopted under IC 16-19-3-4.4."

Page 2, delete lines 3 through 16.

Page 4, delete lines 26 through 27 and insert **"rules under IC 4-22-2 necessary to protect the health, safety, and welfare of persons living in mobile camps, including provisions relating to sanitary conditions, light, air, safety protection from fire hazards, equipment, maintenance, and operation of the camp, sewage disposal through septic tank absorption fields, and other matters appropriate for the security of the life and health of occupants."**

Page 4, line 31, delete "of seventy-five dollars" and insert **"necessary to cover all the expenses incurred in the process of conducting inspections of a mobile camp, to be paid by the railroad company operating the mobile camp."**

Page 4, delete lines 32 through 34.

Page 4, line 35, delete "The" and insert "A".

Page 4, line 36, delete ":" and insert ";".

Page 4, between lines 40 and 41, begin a new line block indented and insert:

"(3) A requirement that the railroad company, after the departure of the mobile camp, restore the property upon which the mobile camp existed to its condition before the arrival of the mobile camp."

Page 4, line 41, delete "(3)" and insert "(4)".

Page 5, line 1, delete "joint inspections of the mobile" and insert **"either:**

(A) independent inspections of the mobile camp without the presence of the railroad company or a union representative; or

(B) joint inspections of the mobile camp with the presence of the railroad company and a union representative of each craft of employees working for the railroad company."

Page 5, delete lines 2 through 6.

(Reference is to ESB 371 as printed March 16, 2007.)

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